

## ARTICLE 1. GENERAL

### **R9-6-103. Disclosure of Communicable Disease-Related Information to a Good Samaritan**

#### **A. In this Section, unless otherwise specified, the following definitions apply:**

1. “Affidavit” means a declaration or statement of facts that is made in writing and under oath.
2. “Assisted person” means the individual with whom a Good Samaritan alleges interaction constituting a significant exposure risk.
3. “Available” means in the possession of or accessible by the Designated Officer who is reviewing a disclosure request.
4. “Communicable disease-related information” has the same meaning as in A.R.S. § 36-661.
5. “Designated Officer” means an individual appointed by the Director or a local health officer, to:
  - a. Review a disclosure request from a Good Samaritan;
  - b. Determine whether disclosure of communicable disease-related information is required under A.R.S. § 36-664(E) and this Section; and
  - c. Respond to the Good Samaritan.
6. “Director” has the same meaning as in A.R.S. § 36-101.
7. “Disclosure request” means the information submitted by a Good Samaritan according to A.R.S. § 36-664(E) and subsection (C) or (D).
8. “Emergency care or assistance” means actions performed by an individual on or for another individual, which are necessary to prevent death or impairment of the health of the other individual.
9. “Emergency department” has the same meaning as in A.A.C. R9-11-101.
10. “Good Samaritan” has the same meaning as in A.R.S. § 36-661.
11. “In writing” means:
  - a. An original document,
  - b. A photocopy,
  - c. A facsimile, or
  - d. An e-mail.
12. “Medical consultation” means discussion between a Good Samaritan and:
  - a. A physician or a registered nurse practitioner working in an emergency department or urgent care unit;
  - b. An occupational health provider as defined in A.A.C. R9-6-801; or

- c. Any other health care provider knowledgeable in determining circumstances when post-exposure prophylaxis is necessary.
- 13. “Mucous membrane” means a thin, pliable layer of tissue that lines passageways and cavities in the human body that lead to the outside, such as the mouth, gastrointestinal tract, nose, vagina, and urethra.
- 14. “Notarized” means signed and dated by a notary.
- 15. “Notary” means any individual authorized to perform the acts specified under A.R.S. § 41-313.
- 16. “Post-exposure prophylaxis” means treatment provided to an individual who may have been exposed to a communicable disease, which is intended to prevent infection of the individual.
- 17. “Significant exposure risk” has the same meaning as in A.R.S. § 36-661.
- 18. “Under oath” means a sworn statement made by a Good Samaritan to a notary under the penalty of perjury.
- 19. “Urgent care unit” has the same meaning as in A.A.C. R9-11-201.
- B.** A significant exposure risk may occur when a Good Samaritan’s interaction with an individual results in:
  - 1. A transfer of blood or body fluids from the individual onto the mucous membranes or into breaks in the skin of the Good Samaritan; or
  - 2. A sharing of airspace between the Good Samaritan and the individual.
- C.** If a Good Samaritan makes a disclosure request to the Department or a local health agency 72 hours or less after an alleged significant exposure risk, the disclosure request shall include:
  - 1. The Good Samaritan’s name;
  - 2. The Good Samaritan’s mailing address or e-mail address;
  - 3. The telephone number at which the Good Samaritan may be reached during a working day;
  - 4. A description of the accident, fire, or other life-threatening emergency, in which the Good Samaritan rendered emergency care or assistance;
  - 5. A description of the:
    - a. Emergency care or assistance rendered by the Good Samaritan at the accident, fire, or other life-threatening emergency; and
    - b. Circumstances that the Good Samaritan believes constitute a significant exposure risk;
  - 6. If known, the name of the assisted person;

7. If known, the date of birth of the assisted person; and
8. Any additional information that may identify the assisted person.

**D.** If a Good Samaritan makes a disclosure request to the Department or a local health agency more than 72 hours after an alleged significant exposure risk, the disclosure request shall include:

1. A statement in writing that the Good Samaritan is requesting communicable disease-related information for an assisted person as allowed under A.R.S. § 36-664(E);
2. Documentation concerning the accident, fire, or other life-threatening emergency, in which the Good Samaritan rendered emergency care or assistance; and
3. A notarized affidavit that contains:
  - a. The information specified in subsections (C)(1) through (C)(8);
  - b. A statement that the Good Samaritan understands that the Good Samaritan has the ability to seek medical consultation to determine whether post-exposure prophylaxis for a communicable disease is needed;
  - c. A statement that the Good Samaritan certifies that the declarations contained within the affidavit are truthful to the best of the Good Samaritan's knowledge; and
  - d. The Good Samaritan's signature.

**E.** Within two working days after the Department or a local health agency receives a disclosure request from a Good Samaritan, the Designated Officer shall:

1. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) indicates a significant exposure risk to the Good Samaritan and communicable disease-related information is available for the assisted person:
  - a. Attempt to contact the Good Samaritan by telephone and provide the Good Samaritan with the communicable disease related information:
    - i. For the assisted person;
    - ii. Pertaining to the specific communicable disease or diseases that may be transmitted through the interaction between the Good Samaritan and the assisted person; and
    - iii. Without revealing the assisted person's name;
  - b. Notify the Good Samaritan that disclosure of communicable disease-related information for one communicable disease does not rule out the possibility that the Good Samaritan was exposed to other communicable diseases about which information is not available to the Designated Officer;

- c. Provide to the Good Samaritan information concerning the agent causing the communicable disease for which the Designated Officer is disclosing communicable disease-related information, including:
    - i. A description of the disease or syndrome caused by the agent, including its symptoms;
    - ii. A description of how the agent is transmitted to others;
    - iii. The average window period for the agent;
    - iv. An explanation that exposure to an individual with a communicable disease does not mean that infection has or will occur;
    - v. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
    - vi. That it is necessary to notify others that they may be or may have been exposed to the agent through interaction with the Good Samaritan; and
    - vii. The availability of assistance from the Department, local health agencies, or other resources; and
  - d. Send to the Good Samaritan in writing:
    - i. The information specified in subsection (E)(1)(a);
    - ii. The notification specified in subsection (E)(1)(b);
    - iii. The information specified in subsection (E)(1)(c); and
    - iv. A statement that the confidentiality of the disclosed communicable disease-related information is protected by A.R.S. § 36-666(A)(2) and other state law;
- 2. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) indicates a significant exposure risk to the Good Samaritan, but the Designated Officer is unable to provide communicable disease-related information for the assisted person:
  - a. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that either:
    - i. Communicable disease-related information, pertaining to the specific communicable disease or diseases that may be transmitted through the interaction between the Good Samaritan and the assisted person, is not available to the Designated Officer; or

- ii. The Designated Officer is unable to identify the assisted person from the information provided in the Good Samaritan's disclosure request, as specified in subsection (C) or (D);
  - b. Notify the Good Samaritan that:
    - i. The Good Samaritan's interaction with the assisted person may pose a significant exposure risk to the Good Samaritan; and
    - ii. The Good Samaritan has the ability to seek medical consultation on the need for post-exposure prophylaxis; and
  - c. Send to the Good Samaritan in writing the notifications specified in subsections (E)(2)(a) and (E)(2)(b); and
- 3. If the Designated Officer determines that the information provided as specified in subsection (C) or (D) does not indicate a significant exposure risk to the Good Samaritan:
  - a. Attempt to contact the Good Samaritan by telephone and notify the Good Samaritan that the Designated Officer will not disclose any available communicable disease-related information for the assisted person; and
  - b. Send to the Good Samaritan in writing:
    - i. The notification specified in subsection (E)(3)(a);
    - ii. A statement that the Designated Officer's decision not to disclose communicable disease-related information to the Good Samaritan is based on A.R.S. § 36-664(E) and this Section;
    - iii. The Designated Officer's reasons for not disclosing communicable disease-related information to the Good Samaritan; and
    - iv. A statement that the Good Samaritan has the right to request a hearing as specified in A.R.S. § 41-1092.03(B).